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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/633,175

08/01/2003

Kevin T. Klawon

4890

7590

10/25/2006

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EXAMINER

RUSSELL, TRACI L

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/633,175

Applicant(s)

KLAWON, KEVIN T.

Examiner

Traci L. Russell

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/01/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Pursuant to U.S.C. 131, claims 1- 9 have been examined.

#### ***Claim Objections***

1. Claims 1-5, and 8-9 are objected to because of the following informalities:
2. Claim 2 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
3. Applicant is advised that should claim 1 be found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
4. Claim 4 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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5. Applicant is advised that should claim 3 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

6. Claim 5 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2 and claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

7. Applicant is advised that should claim 1 be found allowable, claim 5 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

8. Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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9. Applicant is advised that should claim 8 be found allowable, claim 9 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required.

10. Claim 2 is objected to because the claim discloses an identity seeking identity authentication. The Examiner interpret that the claim should read 'entity'. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 seem to be directed towards a conditional, practical application, per se, but fails to produce a useful, concrete, and tangible result.

Manipulation of data in a computer is not, in of itself, sufficient for establishing that a claim is statutory. A useful, concrete, and tangible result must be recited or flow inherently. Appropriate correction is required to specifically recite the result under all claimed conditions.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 9 are being rejected under 35 U.S.C. 102(b) as being unpatentable over Elliot, et al (US 2003/0065563 A1).

3. with regard to claims 1 and 2:

An identity authentication system for verifying the true identity of an individual and providing same to an entity seeking said identity authentication of said individual, comprising: (a) collecting multiple information aspects relating to the identity of said individual ['consumer info database 358'; Page 12, paragraph 301];

(b) assigning rating scores for each of said information aspects of said individual [customer information is assigned a number based on the information in the consumer info database; Page 13, paragraph 302];

(c) adding each of said rating scores for each said information aspect for a total rating score for said identity authentication, system ['dynamically calculated; Page 13, paragraph 302];

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(d) providing said rating score to said entity seeking identity authentication of said individual ['presentation module 366'; Page 13, paragraph 303].

with regard to claims 3 and 4:

An identity authentication system for verifying the true identity of an individual and providing same to an entity seeking said identity authentication of said individual, comprising: (a) accumulating identity information about an individual [info database 358; Page 12, paragraph 301];

(b) placing said identity information into a computer program ['id module 354'; Page 12, paragraph 301];

(c) placing a mathematical score on said accumulated identity information of said individual [each is assigned a number; Page 13, paragraph 302];

(d) adding the total of said mathematical scores on said accumulated identity information for a total identity authentication system ['dynamic calculation'; Page 13, paragraph 302].

with regard to claim 5:

A system for authenticating the identity status of an individual for establishing said individual's identity status: (a) collecting multiple information aspects relating to the identity of said individual ['consumer database 358'; Page 12, paragraph 301];

(b) assigning rating scores for each of said information aspects of said individual [Page 13, paragraph 302];

(c) adding each of said rating scores for each, said information aspects for a total rating score for said identity authentication ['dynamic calculation'; Page 13, paragraph 302], said adding accomplished through computer processing means ['application server 22'; Page 2, paragraph 12];

(d) providing said resultant rating score to said entity seeking identity authentication of said individual [scores are sent back to application server 22; Page 11, paragraph 294].

with regard to claim 6:

A system for rating credibility of an individual among various individuals establishing one or more credibility traits for rating purposes, establishing a mathematical rating scale for each of said credibility traits through computer processing through the following formulations:  $RT=R1+R2+R3 \dots +RN$  Where RT=total rating score and R1, R2, R3 and RN are individual credibility traits ['scoring module, 44'; Page 3, paragraph 21].

with regard to claim 7:

A system for rating credibility worthiness of an individual comprising of the following steps: (a) assigning various categories to rate an individual ['app server 22'; Page 2, paragraph 12];

(b) providing a rating scale for each of said categories [Page 13, paragraph 302];



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(c) calculating an overall rating score for the total of each said rated category using a computer means to calculate same ['scoring module 44'; Page 3, paragraph 21].

with regard to claim 8:

A method for a system which generates a credibility rating for individuals and organization entities based upon validity of identity facts and credibility of an entity comprising: collecting multiple information aspects relating to the identity and credibility of said entity [Page 12, paragraph 301] and entering same in a computer ['app server 22'; Page 2, paragraph 12]; evaluating and assigning rating scores for each of said information aspects of said entity [Page 11, paragraph 294; Page 13, paragraph 302] and processing same in said computer [Page 2, paragraph 12]; and adding said rating scores for a total rating score of the credibility of said entity [Page 3, paragraph 21] through said computer [Page 2, paragraph 12].

with regard to claim 9:

A method for a system which generates a credibility rating for individuals and organization entities based upon validity of identity facts and credibility of an entity comprising: collection means for collecting multiple information aspects relating to the identity and credibility of said entity, said collection information aspects entered into a computer ['app server 22'; Page 2, paragraph 12];

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evaluation means for evaluating and assigning rating scores for each of said information aspects of said entity, using said computer to process said scores [Page 2, paragraph 12];

and a calculator for adding said rating scores for a total rating score of the credibility of said entity, using said computer to said adding [dynamic calculation; Page 13, paragraph 302; Page 2, paragraph 12].

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Subramaniam, et al (US 6,950,936).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Russell whose telephone number is 571.272.1095. The examiner can normally be reached on Mon - Fri (alternate Fridays off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571 272.4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLR/20061018

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10/19/06